

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.,

Plaintiff-Counterclaim Defendant,

-against-

DEPFA BANK PLC and LLOYDS TSB BANK PLC,

Defendants-Counterclaimants.

DEPFA BANK PLC and LLOYDS TSB BANK PLC,

Third-Party Plaintiff,

-against-

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION and
JPMORGAN CHASE BANK, N.A.

Third-Party Defendants.

LLOYDS TSB BANK PLC,

Third-Party Plaintiff,

-against-

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION,

Third-Party Defendant.

Case No.: 10-CV-4424 (JPO) (AJP)

**NOTICE OF MOTION *IN LIMINE*
TO EXCLUDE EVIDENCE OF
DAMAGES PURSUANT TO
FED. R. CIV. P. 37(c)**

PLEASE TAKE NOTICE that on the annexed Declaration of Judith A. Archer, dated October 31, 2011, with exhibits, the Memorandum of Law in Support of its Motion *in Limine* to Preclude Depfa Bank plc and Lloyds TSB Bank plc from Presenting Damages Evidence Pursuant to Fed. R. Civ. P. 37(c), and all prior pleadings and proceedings herein, Plaintiff-Counterclaim Defendant The Bank of New York Mellon Trust Company, N.A. ("BNY Mellon"), by its undersigned attorneys, will move this Court before the Honorable J. Paul Oetken at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an Order pursuant to FED. R. CIV. P. 37(c), precluding

Defendants-Counterclaimants Depfa Bank plc ("Depfa") and Lloyds TSB Bank plc from offering evidence of damages against BNY Mellon.

As set forth in its Statement of Joinder, Third-Party Defendant JP Morgan Chase Bank, N.A. ("JPMC") joins this motion with respect to the preclusion of Depfa's purported damage evidence against JPMC.

Dated: October 31, 2011
New York, New York

Respectfully submitted,

By: 
Judith A. Archer

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